IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2938 OF 2007

IN

WRIT PETITION NO.3005 OF 2005

Citizen Aster Co.Operative Housing
Society Ltd. & Ors. .. Petitioners.

Versus

The State of Maharashtra & Ors. .. Respondents.

Ms.Manjiri Shah i/b.M/s.Thakore Jariwala & Asso. for petitioners.
Mrs.M.P.Thakur, A.G.P. for respondent No.1.
Mr.Sandesh Deshpande for respondent No.2.
Mr.Rajesh Kachare for respondent No.4.

CORAM : SMT.RANJANA DESAI &
SMT.ROSHAN DALVI, JJ.
DATE : 5th December, 2007.

P.C.:

1. In this civil application, the basic grievance of the petitioners is that they are not being supplied water by the respondents as per order dated 7th July, 2005

passed by this Court. Certain directions are sought against the respondents to the effect that they should take steps to ensure that adequate water supply is made available to the petitioners.

2. On 7th July, 2005, an interim order was passed by the Division Bench of this Court in this petition. A direction was given to respondent Nos.1,2,3 and 7 to file affidavits. We are distressed to note that respondent Nos.1,2,3 and 7 have not filed any reply till date though this petition pertains to grievance of the petitioners about inadequate supply of water, which is an essential commodity.

3. Learned Counsel appearing for the 7th respondent i.e. Maharashtra Jeevan Pradhikaran Authority, which appears to be mainly responsible for supply of water is not even present in Court today.

4. We have heard learned Counsel for the petitioners at some length. Drawing our attention to the 1st paragraph of the order dated 7th July, 2005, passed by this Court, the learned Counsel submitted that the water can be pumped out only when about 3.00 lacs litres of water is available in the underground tank. She submitted

that the 4th respondent, who, under the order dated 7th July, 2005 was to supply water to the petitioners from the borewell, situate in his land, is not supplying the required quantity of water. Resultantly, the petitioners are not getting adequate water supply. She submitted that respondent No.4 has sent a letter to the petitioners stating that he wants to raise water charge to Rs.300/- per 10,000 litres of water. She submitted that this is an excessive charge and that needs to be reduced. She has tendered in the Court a Cash Memo of Citizen Water Distribution Company, which indicates that Rs.250/- are being charged per 10,000 litres of water. We are told that Rs.200/- is charged for actual supply of 10,000 litres of water and Rs.50/- as administrative charges. She states that till such time as the petition is disposed of, the petitioners be allowed to pay @Rs.200/- per 10,000 litres of water.

5. On the other hand, Counsel for the 4th respondent, on instructions from the 4th respondent, who is present in Court states that during the pendency of this petition or till such time as the petition is disposed of or the earlier order is modified, respondent No.4 will supply the water to the petitioners @Rs.200/- per 10,000 litres of water without prejudice to his rights and contentions.

This statement is accepted. Insofar as quantity is concerned, since there is an earlier order dated 7th July, 2005, the 4th respondent will have to comply with the same and supply such quantity of water as is directed by this Court by that order.

6. Learned Counsel for the 4th respondent has pointed out certain practical difficulties in supplying 3 lacs litres of water. If that is so, 4th respondent may adopt appropriate remedy for seeking modification of the order dated 7th July, 2005. As long as the said order is in operation, 4th respondent will have to comply with it.

7. In view of the statement made by learned Counsel for the 4th respondent, which we have accepted, no further order is necessary at present. Civil application is disposed of.

(SMT.RANJANA DESAI, J.)

(SMT. ROSHAN DALVI, J.)